

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1-4 and 6-23) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially the Examiner rejected to claims 20-23 for being numbered incorrectly in that claim 19 was inadvertently omitted. For purposes of examination, Applicant has renumbered the claims so that claim "20" would now be 19 etc.

The Examiner then rejected the claims as being unpatentable over a combination of Steinemann et al. U.S. Patent No. 5,456,723, Cooper et al. U.S. Patent No. 4,948,457 and Sonuparlak et al. U.S. Patent No. 5,480,676. Steinemann et al. teaches blasting a titanium bone screw and then sand blasting it with fine corundum followed by an acid treatment. The Examiner cited Cooper et al. as teaching the use of chilled iron grit to prepare the surface of a metal component and Sonuparlak et al. teaches the use of a treatment in 20% nitric acid for at least 20 minutes. The Examiner then states that grit size and blasting time and various other parameters can be discovered empirically as suggested by Cooper et al.

Applicant has now amended independent claims 1 and 14 to require the implant be made of titanium and the use of two different size grit blasting agents each using a first and second blasting step with a cleaning step in between each blasting step. None of the references cited teach two separate blasting steps with different grit sizes. While Cooper et al. may suggest determining certain process parameters for grit blasting, it does not teach or suggest the use of two separate grit blasting steps with an intermediate cleaning between steps. Applicant teaches that utilizing a two-step blasting process is especially valuable for hardened materials as titanium. Such an application would not be necessary for the aluminum taught in

Cooper et al. since titanium has almost double the hardness of aluminum. Consequently, none of the prior art suggests a two step process as now claimed by the Applicant.

Applicant has also amended claim 1 to require ultrasonic agitation during the nitric acid bath which is not taught in the prior art. Thus it is believed that independent claims 1 and 10, as amended, are patentable as well as the claims dependent therefrom.

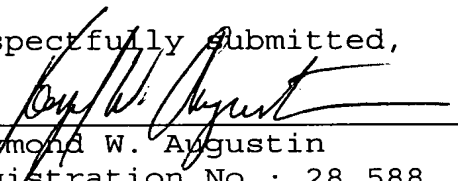
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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